

**CITY OF BLUE ASH**  
**Interoffice Memo - City Manager's Office**

**TO:** City Council  
**FROM:** City Manager and Department Directors  
**SUBJECT:** Agenda Items for the October 28 Council Meeting  
**DATE:** October 26, 2010  
**COPIES:** Department Directors, Press, Clerk of Council, Solicitor

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The following offers a brief description of the items included on the October 28 Council agenda:

**4. and 11.a.2. PUBLIC HEARING – 7:00PM – Consideration of Ordinance No. 2010-48 related to rezoning of approximately 44 acres on the north side of Osborne Boulevard between Reed Hartman Highway and Kenwood Road from M-1 Office-Industrial to the M-3 Planned Office and Mixed Use District (first reading)**

The City has received a request for rezoning of the approximately 44 acres located north of Osborne Boulevard between Reed Hartman Highway and Kenwood Road. The property is currently zoned M-1 Office-Industrial (land use is warehouse), with the request to change it to the M-3 Planned Office and Mixed Use district. The site itself is about 40 acres; the remaining approximate 4 acres includes adjacent rights-of-way.

This concept went to Planning Commission at its September meeting, with approval recommended unanimously. The proposed rezoning is in anticipation of a phased Planned Development that would replace the existing warehouses with an office, retail, and residential mixed use development. The M-3 District allows the types of uses that are proposed for the Planned Development; however, some of the uses would not be permitted in the current M-1 district.

This ordinance addresses the rezoning aspect of this project. The specific project details associated with any development within this Planned Development (still in preliminary stage) would have to be reviewed by both Planning Commission as well as Council before moving forward.

Thursday's meeting represents the first reading of this ordinance and public hearing, with the second (and final) reading scheduled for the next Council meeting on November 18. A representative from RREEF, the applicant, is expected to be at Thursday's meeting, and more information will be posted for Council's and the public's review. Please address any questions regarding this ordinance to the Assistant Community Development Director Dan Johnson at [djohnson@blueash.com](mailto:djohnson@blueash.com).

**5. and 11.a.1. PUBLIC HEARING – 7:05PM – Consideration of Ordinance No. 2010-60 regarding a special use permit for McKeown's Bloomin' Garden Centre to allow a greenhouse and nursery at 8793 Kenwood Road and to expand the business onto the adjacent property**

The City is in receipt of a request for a special use permit for McKeown's Bloomin' Garden Centre to allow a greenhouse and nursery at 8793 Kenwood Road and to expand the business onto the adjacent property (currently a single-family residential use).

The Planning Commission reviewed the applicant's request for a special use permit application at their October meeting, and recommended approval with conditions (which are outlined within the ordinance).

The modified site plan submitted by the applicant includes keeping the existing two-car, detached garage instead of building a new one. The applicant as indicated that the existing garage could be made to reflect the exterior architecture of the proposed new main building,

and shows a setback of just over 34 feet from the north property line. The plan includes one additional parking space in the row of angled parking adjacent to the garage. The plan also shows a privacy fence along the north lot line and around the front of the landscaped area as "optional."

More details will be presented to Council for that hearing and meeting. In the meantime, please direct questions regarding this issue to the Assistant Community Development Director, Dan Johnson at [djohnson@blueash.com](mailto:djohnson@blueash.com).

**11.b.1. Ordinance No. 2010-61 – Establishing a new agency fund No. 903 relating to accounting for employee benefit matters**

As a part of the City's continuation of a high-deductible health care plan and other benefits for its employees, the need exists to establish a new agency fund to provide for the proper accounting of the related Flexible Spending Accounts (FSA) involved with this type of benefit.

Ordinance No. 2010-61 establishes a separate agency fund (#903) to accommodate this need. Because the IRS parameters for using an FSA involve a time span greater than both the insurance plan year and our accounting year (beginning January 1), the fund is necessary to keep the financial results of each plan year separate from the other.

Please direct questions involving this ordinance to the Treasurer.

**11.b.2. Ordinance No. 2010-62 - Transferring funds**

There are a limited number of issues involved with this transfer, even though the attachment to the ordinance seems complex. In fact, there are only three topics addressed in the entirety of this transfer.

The most significant item involves the appropriation of \$500,000 within the Economic Development area from the City's unappropriated General Fund balance to accommodate the previously discussed and approved investment in Vora Ventures (Ordinance No. 2010-53). As was explained when this issue was brought before Council, this contractual arrangement and payment will involve the gradual repayment of \$350,000 to the City with the balance representing economic development assistance to this entity. The formal agreement will be crafted and approved by the City Solicitor's office to make certain that the City's interest in this matter are protected as much as possible.

The second issue involves the City's OVI (Operating a Vehicle while Impaired) grant funding activities with the prefix of "282." This reduction in revenue and expenditure appropriations wraps up the grant year which ended October 1, 2010, and assists the Finance Office in closing that fund and moving forward with the next grant year accounting setup.

All of the other items in this transfer, including the advances to and from General Fund under "111," as well as all items beginning with fund prefixes "902" or "903," relate to the City's establishment and maintenance of Flexible Spending Accounts (FSAs) related to employee benefits. It is necessary to have a "rotation" of FSA funds as the "life" of an employee's FSA extends a number of months beyond the traditional 12-month accounting period utilized by the City. Because those extra months carry over into the following year, it is necessary to actually maintain two separate FSA accounts to be certain that accounting transactions related to each are separated from one another.

Once a year-specific FSA fund is actually able to be closed (considered final under IRS regulations), the balances are confirmed as to all claims for reimbursement, and the remaining balance reverts to the City's General Fund. The net effect of the FSA transfers are shown on the bottom two lines as a utilization of contingency of approximately \$62,000.

Please direct questions related to this transfer to the Treasurer.

**10.b.3. Ordinance No. 2010-63 - Authorizing acceptance of real property from Blue Ash**

**Revitalization, Inc. (BARI)**

In conformance with Council's discussion at the last meeting following the City Manager's Miscellaneous Business comments about real property owned by BARI, the need exists to present an ordinance formalizing the intent of City Council to accept this donation of real estate within Blue Ash from this non-profit organization.

Since its formation in the early 1990s, BARI has made significant contributions to neighborhood improvements in the Hazelwood, Arcadia, and certain other areas of the City. Following careful reflection and discussion, the BARI Board has decided to essentially dissolve BARI, including a shift of substantial monetary resources to a local and respected foundation for the future benefit of Blue Ash citizens. They also offered to transfer or donate all of their real estate holdings to the City of Blue Ash. At the present time, the Treasurer of BARI is in the process of reviewing and assembling a listing of all of the parcels of real estate involved, and it is believed that the listing attached to the ordinance comprises most, if not all, of the parcels involved. Most of the land involves property upon which the "Rotary House" on Centennial Avenue rests, and parcels adjacent to it located on Cornell Road and Florence Avenue. There appear to be at least three "orphan" individual parcels that are being accepted with the expectation of being transferred to an adjoining resident as they are non-buildable and are of minimal benefit to any other party.

Upon successful conveyance of all of the real estate, it would be the City Administration's intent to work on the transfer of the orphan parcels, and for the appropriate filing of tax exemption status for the lots on Centennial, Florence, and Cornell.

It is the City's intent to minimize any operational overhead or cost related to this effort, and expect to work with Northeast Community Challenge (NECC), who currently occupy a portion of the Rotary House, as to the transition of ownership. It is also the City's intent to make no commitment to NECC as to any lease or extended time frame for their occupancy, as it may be necessary to have them seek alternative quarters if there are significant repairs necessary for the property or if opportunities arise for redevelopment along Cornell Road.

Please direct questions regarding this ordinance to the City Manager or Treasurer.